

McNAMARA, DODGE, NEY, BEATTY, SLATTERY, PFALZER, BORGES & BROTHERS LLP
ATTORNEYS AT LAW
P.O. BOX 5288, WALNUT CREEK, CA 94596
TELEPHONE: (925) 939-5330

JAMES V. FITZGERALD, III (State Bar No. 55632)
NOAH G. BLECHMAN (State Bar No. 197167)
J. GARRET DEAL (State Bar No. 249934)
McNAMARA, DODGE, NEY, BEATTY, SLATTERY,
PFALZER, BORGES & BROTHERS LLP
1211 Newell Avenue
Post Office Box 5288
Walnut Creek, CA 94596
Telephone: (925) 939-5330
Facsimile: (925) 939-0203

Attorneys for Defendant
JASON INGRASSIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,

Plaintiff,

vs.

JASON INGRASSIA, individually and in
his official capacity; COUNTY OF
CONTRA COSTA; and CITY OF SAN
RAMON,

Defendants.

Case No. C07-02669 CRB (EDL)

**[PROPOSED] ORDER DENYING
PLAINTIFF'S MOTION TO COMPEL
RESPONSES TO PLAINTIFF'S FIRST
SET OF DISCOVERY REQUESTS ON
DEFENDANT INGRASSIA**

Date: August 26, 2008
Time: 9:30 a.m.
Dept: Courtroom E, 15th Floor
Judge: Honorable Elizabeth Laporte

On August 26, 2008, at 9:30 a.m., Plaintiff ABHINAV BHATNAGAR'S ("Plaintiff") motion to compel responses to Plaintiff's first set of discovery requests on Defendant JASON INGRASSIA ("Defendant") came on regularly for hearing. After full consideration of the briefing, the arguments of Plaintiff's and defense counsel, and the pleadings on file on this case, the Court hereby DENIES Plaintiff's motion in its entirety.

Plaintiff moved to compel Defendant to verify his responses to Plaintiff's interrogatories and to further respond to Plaintiff's interrogatories and document requests regarding Defendant's personal telephone number(s), his positions within the Contra Costa County Sheriff's Office ("CCCSO"), the actions Defendant's employer took in response to Plaintiff's complaint, and Defendant's training, disciplinary history and financial status.

[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL RESPONSES TO PLAINTIFF'S FIRST SET OF
DISCOVERY REQUESTS ON DEFENDANT INGRASSIA
C07-02669 CRB (EDL)

1 Defendant verified his interrogatory responses on August 6, 2008. This issue is
2 accordingly moot.

3 County of Contra Costa, a separate Defendant and Ingrassia's employer, recently
4 produced documents responsive to Plaintiff's document requests, subject to minor redactions of
5 irrelevant and private information and/or information pertaining to non-parties, including
6 Ingrassia's personnel file and the Internal Affairs investigation relating to Plaintiff's complaint.
7 This production accordingly satisfies Defendant Ingrassia's discovery obligations. Also, Plaintiff
8 is not entitled to Ingrassia's personal telephone number, which is highly private given his status
9 as a peace officer, and Plaintiff's request to inquire into Defendant's financial status is premature
10 at this time. Plaintiff's interrogatories also exceed the numerical limits of Federal Rule of Civil
11 Procedure ("FRCP") 33(a) because they contain discrete subparts. Plaintiff is directed to seek
12 leave of Court before propounding additional interrogatories on Defendant. FRCP 33(a);
13 Northern District of California Local Rule 33-3.

14 Accordingly, Plaintiff's motion is DENIED in its entirety.

15 IT IS SO ORDERED.

16 Dated: _____

17 HON. ELIZABETH D. LAPORTE
18 United States Magistrate Judge